

REMARKS/ARGUMENTS

Claims 19-34, 36, and 37 are pending in this application. By this Amendment, Applicant AMENDS claims 19, 32, and 34.

Applicant's undersigned representative appreciates the Examiner extending the courtesy of the telephone interview on January 12, 2010. During the telephone interview, the Examiner clarified the prior art rejection in the Office Action dated December 2, 2009 by explaining that the main frame 3, 51F, 57 of Ito (U.S. 6,290,017) is broadly considered to extend obliquely downward in a "middle portion" of the motorcycle. However, the Examiner indicated that amending the claims to recite that the main frame extends "along a centerline of the vehicle" would distinguish from the main frame of Ito. Applicant has amended claims 19, 32, and 34 in accordance with the Examiner's suggestion.

Claims 19-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ito. Claims 34 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito in view of Horii et al. (U.S. 6,253,868). Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito in view of Imani (U.S. 4,445,585).

Applicant respectfully traverses the rejections of claims 19-34, 36, and 37.

Claim 19 has been amended to recite:

A saddle riding vehicle comprising:
a head pipe that supports a steering shaft so as to rotate freely;
a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear; and
a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below. (emphasis added)

Applicant's claims 32 and 34 have been amended to recite features that are similar to the features recited in Applicant's claim 19, including the above-emphasized features.

The Examiner alleged that Ito teaches a main frame 3, 51F, 57 "which includes a head pipe and extends downward" and a pair of left and right subframes 51R extending

obliquely downward and to the rear, wherein the “left and right subframes are in a middle portion of the motorcycle.”

Although Applicant does not necessarily agree with the Examiner’s interpretation of the features of Ito, Applicant has amended claim 19, and similarly claims 32 and 34, to recite the features of “a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear.” Support for these features is found, for example, in Fig. 2 of Applicant’s drawings.

In contrast, each of the alleged main frame portions 51F and 57 of Ito extend obliquely downward and toward the rear of the vehicle along the left and right sides of the vehicle, and the head pipe 3 of Ito extends obliquely downward and toward a front of the vehicle (see, for example, Fig. 2 of Ito). Ito does not remotely teach or suggest that either of the main frame portions 51F, 57 could or should be arranged to extend obliquely downward and toward a rear of the vehicle along a centerline of the vehicle. In fact, as indicated above, the Examiner acknowledged during the telephone interview on January 12, 2010 that the main frame of Ito does not extend along a centerline of the vehicle.

Thus, Ito clearly fails to teach or suggest the features of “a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear,” as recited in Applicant’s claim 19, and similarly in Applicant’s claims 32 and 34.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 19, 32, and 34 under 35 U.S.C. § 102(b) as being anticipated by Ito.

The Examiner relied upon Horii et al. and Imani to allegedly cure the deficiencies

of Ito. However, Horii et al. and Imani also fail to teach or suggest the features of "a body frame including a main frame that is connected to the head pipe and extends obliquely downward along a centerline of the vehicle in a width direction of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear," as recited in Applicant's claim 19, and similarly in Applicant's claims 32 and 34. Thus, Applicant respectfully submits that Horii et al. and Imani fail to cure the deficiencies of Ito described above.

Accordingly, Applicant respectfully submits that Ito, Horii et al., and Imani, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claims 19, 32, and 34.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 19, 32, and 34 are allowable. Claims 20-31, 33, 36, and 37 depend upon claims 19, 32, and 34, and are therefore allowable for at least the reasons that claims 19, 32, and 34 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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/Stephen R. Funk #57,751/
Attorneys for Applicant

KEATING & BENNETT, LLP
1800 Alexander Bell Drive, Suite 200
Reston, VA 20191
Telephone: (571) 313-7440
Facsimile: (571) 313-7421

Joseph R. Keating
Registration No. 37,368

Stephen R. Funk
Registration No. 57,751